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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



TO: Honorable Rio Dell City Council

THROUGH: Ron Henrickson, City Manager 

FROM:  Randy Jensen, Water and Roadways Sup. & Carla Ralston, P.W. Admin

DATE: March 1, 2012

SUBJECT: Cross Connection Control Ordinance

**DISCUSSION ON THE DRAFT CROSS CONNECTION CONTROL ORDINANCE:**

Discussion of the comments and questions regarding the First Draft of the Cross Connection Control Ordinance.


**BACKGROUND AND DISCUSSION**

On February 21, the updated Cross Connection Control Ordinance was presented for review. There was some new language added along with the current updated regulations released by the State of California. The main focus is to protect the City of Rio Dell's drinking water system from possible contamination. Property owners are to be responsible for the installation, maintenance and yearly testing of the backflow devices.



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**CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
March 6, 2012**

TO: Mayor and Members of the City Council  
FROM: Rick Chicora, Wastewater Superintendent  
THROUGH: Ron Henrickson, City Manager   
DATE: March 1, 2012  
SUBJECT: Sewer Ordinance

**RECOMMENDATION**

Receive staff report, open public hearing and receive public input, and make a motion to adopt and conduct second reading (by title only) of the updated Sewer Ordinance #286-2012.

**BACKGROUND AND DISCUSSION**

On February 7, 2011 the City Council approved the first reading of Ordinance 286-2012. The proposed Ordinance added some new Pre Treatment guidelines and an Oil and Grease section that will allow staff to inspect businesses and educate them about disposing of oil and grease properly. Another change was increasing the security deposit for sewer service to \$200.00 which will go into effect May 1, 2011.

**ATTACHMENTS:**

Ordinance No. 286-2012  
Minutes from February 7, 2011 Council Meeting

## **Chapter 13.10 SEWER RATES AND REGULATIONS**

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- 13.10.030 Settlement of disputes between consumer and City.

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## Article I. In General

### Definitions

#### 13.10.010 Definitions.

*ACT* or *THE ACT*. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

*APPLICANT*. An owner of property who applies for sanitary sewer service to such property (hereinafter referred to as "sewer").

*AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER*.

- (1) If the industrial user is a corporation, *AUTHORIZED REPRESENTATIVE* shall mean:
  - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation.
  - (b) The manager of one or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the industrial user is a partnership, or sole proprietorship, an *AUTHORIZED REPRESENTATIVE* shall mean a general partner or proprietor, respectively.
- (3) If the industrial user is a federal, state or local governmental facility, an *AUTHORIZED REPRESENTATIVE* shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
- (4) The individuals described in subsections (1) through (3) of this definition may designate another *AUTHORIZED REPRESENTATIVE* if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which

the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

*BEST MANAGEMENT PRACTICES (BMPs).* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rio Dell Municipal Code (RDMC) 13.10.410 through 13.10.421. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

*BIOCHEMICAL OXYGEN DEMAND (BOD).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five-day 20° centigrade expressed in terms of mass and concentration milligrams per liter (mg/l).

*BUILDING.* Any structure inhabited or used by human beings.

*BUILDING SEWER OR LATERAL.* A sewer conveying wastewater from the premises of a user to the POTW.

*CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD.* Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307 (b) and (c) of the Act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*CITY.* The City of Rio Dell, California or the City Council of Rio Dell.

*CITY OF RIO DELL SANITARY SEWER SYSTEM.* The sanitary sewer system owned by the City of Rio Dell.

*CITY MANAGER or MANAGER.* The person designated by the City to manage the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter or his duly authorized representative.

*COLOR.* The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero (0.0) optical density.

*COMPOSITE SAMPLE.* The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

*CONSUMER.* Any person to whom the City supplies sewer service under a contract, either expressed or implied, to make payment therefore.

*COST.* Labor, material, transportation, expense, supervision, engineering and other necessary overhead expense.

*COUNCIL.* City Council or the City Manager acting under authority of the City Council.

*DEPARTMENT.* The Sewer Department of the City.

*DOMESTIC WASTEWATER.* Wastewater derived principally from dwellings, business buildings, institutions and the like.

*ENVIRONMENTAL PROTECTION AGENCY (EPA).* The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Quality Control Board or other duly authorized official of said agency.

*EXISTING SOURCE.* Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*EXTENSION.* Sewer main extension, or system of collection lateral

*GRAB SAMPLE.* A sample which is taken from a waste stream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

*GREASE HAULER.* A person, firm or business that collects the contents of a grease interceptor and transports it.

*GREASE INTERCEPTOR.* A plumbing appurtenance or appliance that intercepts fats, oil and grease from a wastewater discharge.

*INDIRECT DISCHARGE or DISCHARGE.* The introduction of pollutants into the POTW from any nondomestic source.

*INDUSTRIAL USER or USER.* Any person who discharges or causes or permits the discharge of non-domestic wastewater into the POTW.

*INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT.* The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*INTERFERENCE.* A discharge which alone or in conjunction with a discharge or discharges from other sources: inhibits or disrupts the POTW, its treatment processes, or operations or its sludge processes,

use, or disposal; and therefore is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

*LEGAL OR EQUITABLE OWNER.* Any owner of record, mortgagee, trustee or contract purchaser of real property.

*MAIN.* A sewer main in the sewer collection system of the City without regard to sizing.

*MEDICAL WASTE.* Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

*NEW SOURCE.*

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**NONCONTACT COOLING WATER.** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**NUISANCE.** Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of the annoyance or damage inflicted upon individuals may be unequal.

**PASS THROUGH.** A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

**PERMIT** Any written authorization required pursuant to this chapter or any other regulation of the City for the installation of the sewage system.

**PERSON.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, or local governmental entities.

**pH.** A measure of the acidity or alkalinity of a substance, expressed in standard units.

**POLLUTANT.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, total suspended solids (TSS), turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

*PREMISES.* A parcel of real estate, including any improvements thereon, which is determined by the City to be a single user for the purpose of receiving, using and paying for services.

*PRETREATMENT.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

*PRETREATMENT REQUIREMENTS.* Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

*PRETREATMENT STANDARDS or STANDARDS.* Prohibitive discharge standards, categorical pretreatment standards, and local limits.

*PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in RDMC 13.10.410 through 13.10.420.

*PUBLICLY OWNED TREATMENT WORKS or POTW.* Any devices or storage, treatment, recycling or reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. Also, the City's jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works. Building sewers connecting building drains to the POTW are not public sewers although they may be partially located in a public right-of-way or easement.

*PUBLIC SEWER.* A sewer lying within a street or easement and which is controlled by or under the jurisdiction of the City.

*SEPTIC TANK WASTES.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*SERVICE CONNECTION OR LATERALS.* The laying of pipes from the main to the property line inclusively. [Ord. 190 § 1, 1987.]

*SEWAGE.* Human excrement and gray water (household showers, dishwashing operations, and the like). A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

*SEWAGE FACILITY.* All facilities for collecting, pumping, treating, and disposing of sewage.

*SIGNIFICANT INDUSTRIAL USER.* Applies to industrial users subject to categorical pretreatment standards; any other industrial user that discharges an average of 25,000 gallons per day (gpd) or more of process wastewater, contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant or, is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

*SLUG LOAD.* Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in RDMC 13.10.410 through 13.10.420 or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

*STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE.* A classification pursuant to the "Standard Industrial Classification Manual" issued by the U.S. Office of Management and Budget.

*STORMWATER.* Any flow occurring during or following any form of natural precipitation including snowmelt.

*SUSPENDED SOLIDS.* The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and which is removable by laboratory filtering.

*TOXIC POLLUTANT.* One of 126 pollutants, or combination by the EPA under the provision of Section 307 (33 USC 1317) of this Act.

*TREATMENT PLANT EFFLUENT.* Any discharge of treated wastewater from the POTW into waters of the state.

*WASTEWATER.* Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW. Uncontaminated or contaminated waters discarded or discharged by users and no longer usable for industrial or domestic purposes, including but not limited to water or a combination of water and other substances described in RDMC 13.10.410 and 13.10.410. [Ord. 203, 1990; Ord. 190 § 58, 1987.]

*WASTEWATER TREATMENT PLAN or TREATMENT PLANT.* The portion of the POTW designed to provide treatment of sewage and industrial waste.

**13.10.020 Department rules and regulations – Modifying rates.**

The Council reserves the right and power from time to time to adopt rules and regulations for the operation and maintenance of the Sewer Department of the City, and for furnishing sewer service, and may likewise establish and modify the rates, charges and penalties established and imposed by this

chapter, and may from time to time prescribe rules for the extension of sewer collection within and beyond the boundaries of the City. [Ord. 190 § 2, 1987.]

**13.10.030 Settlement of disputes between consumer and City.**

If a dispute shall arise between any sewer customer and the City concerning sewer service or the amount of sewer billed to such consumer, the dispute may be settled subject to the approval of the Council by the City Manager or designee. The final decision and settlement of any such dispute shall be recorded in the minutes of the Council. The provisions and procedures provided for in this section are permissive only and shall in no way affect the other provisions of this chapter. [Ord. 190 § 3, 1987.]

**13.10.050 Connections prohibited.**

No person owning, occupying or having under his control any premises shall connect their vault, cesspool, privy, sewer or private drain with any waterway, watercourse or ditch in the City. [Ord. 190 § 5, 1987.]

**13.10.060 Distance of sewer or gas service from water service.**

No ditch, water pipe, gas pipe or any other service shall be installed or maintained nearer than two feet in any direction to any sewer service pipe or main. [Ord. 190 § 6, 1987.]

**13.10.070 Repairs to sewer lines by the City.**

The City shall, at its own expense, make all repairs necessary to sewer pipe lines connecting with mains. The City shall make no repair or do any work whatsoever on the sewer pipe line beyond the connection to private property. [Ord. 190 § 7, 1987.]

**13.10.080 Shutting off water.**

The City reserves the right to shut off the water supply to any premises at any time, for the purpose of making sewer line repairs, extensions or other necessary purposes or for any infraction of this chapter or any overdue payment or delinquency of payment of any City utility service billing. [Ord. 190 § 8, 1987.]

**13.10.090 Right of entry of City employees for the purpose of making inspections.**

Any authorized employee of the City shall have reasonable access to any premises with sewer service for the purpose of making inspections of the sewer system upon such premises. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents inspection by an authorized employee of the City, after service of notice of intention, shall have all water shut off to the said premises. [Ord. 190 § 9, 1987.]

**13.10.100 Turning water off or on in an emergency – Rendering sewer service inoperable.**

The City shall have the right in an emergency to turn the water off or on without notice, but it shall be the duty of the Water Department to make a reasonable effort to notify all consumers that the water is to be turned off or on. [Ord. 190 § 10, 1987.]

**13.10.110 Unlawful use, injury, etc., of equipment.**

It shall be unlawful for any person to open any manhole or to interfere in any manner with any street sewer service connection or any service pipe connected with mains or to tap any sewer service pipe, without paying the established costs therefore after having made written application therefore as provided by this chapter, or in any way to trespass upon the public property of the sewer department without written permission first being obtained from the City Manager or designee. [Ord. 190 § 11, 1987.]

**13.10.120 Application for service – Form.**

Before any sewer service will be supplied by the City to any person which requires a connection or reconnection to the City-owned mains of any real property, the owner of the property shall make a written application from such service and service connection upon a form provided by the City. Such form shall be substantially as shown in Exhibit A attached to the ordinance codified in this chapter and by reference incorporated herein. [Ord. 190 § 12, 1987.]

**13.10.130 Fees for new sewer service connections.**

(1) There shall be a new service connection fee of \$950.00 required for each individual dwelling, residence, building, or separate service to any multiple use consumer on any parcel or parcels under the same ownership. This fee is levied in addition to any actual costs by the City to provide the new service and shall be received into the sewer fund for purposes of operational expenditures.

(2) New service connection fees for multi-use motels or hotels that provide nonhousekeeping sleeping rooms with no more than one bathroom facility per unit and no kitchen or other wastewater plumbing shall be required to pay a per unit fee of \$190.00, which is levied in addition to any and all actual costs by the City in physically providing the new services. Further, the quantity of these unit connections to one or more private property side-sewers and the number of City-owned laterals connecting to the collection main shall be at the determination of the City Manager or designee, whose decision is final. [Ord. 194 § 1, 1988; Ord. 190 §§ 13, 13.A, 1987.]

**13.10.140 Charges for installing sewer services.**

There shall be a charge set apart from any other charge or fee for actual costs to the City for the installation of any sewer mains or system laterals to any private property or other consumer, provided further that such a charge shall be a minimum of \$200.00 or actual costs, whichever is higher. Sizes, locations and connection methods shall be at the sole discretion of the City Manager or designee. [Ord. 190 § 14, 1987.]

## **Article II. Connections – Installation of Service**

### **13.10.150 Installations and connections outside City limits.**

Notwithstanding any other sections, the connection fees and installation charges for outside the City limits shall be 150 percent of those same fees and charges for inside the City limits. [Ord. 190 § 15, 1987.]

### **13.10.160 Reconnection fees.**

There shall be herewith established a reconnection fee for use when abandoned services are requested to be reactivated, or when a service has been disconnected because of failure to pay City utility bills, and are delinquent or for other reasons such as vandalism of City-owned property, system piping, etc. (refer to RDMC 13.10.250). The reconnection fee shall be \$200.00 plus the actual costs involved in the reconnection as will be billed by the City Manager or designee (refer to definition of "cost" in RDMC 13.10.010 and provisions of RDMC 13.10.250). [Ord. 190 § 16, 1987.]

### **13.10.170 Prerequisites to multiple service connections.**

No sewer shall be served to two or more parcels of property separately owned through a common service pipe. When more than one occupancy is placed on the same parcel of property and each is conducting a separately established residence or business, a separate sewer line shall be required and installed for each occupancy.

Where there is a pre-existing multiple use sewer service, the City shall establish additional accounts and charges for each additional commercial, professional, dwelling, or living unit situated upon the premises not served by an individual sewer. [Ord. 190 § 17, 1987.]

### **13.10.180 Use of sewer by contractors and other persons engaged in construction work.**

Contractors or any person desiring to use the sewer system in construction work where disposal must be made other than through a permanent sewer in each and every case must make written application for and obtain a written permit for the same from the Sewer Department before connecting with any main, and shall make the deposit required by the Sewer Department. Such permit shall be exhibited upon the work for which it has been issued during the full time the sewer is being used pursuant to such permit. [Ord. 190 § 18, 1987.]

### **13.10.190 Supplying to other than occupant of premises.**

It shall be unlawful for any person to provide sewer service to any other person other than the occupants of the premises of such consumer as provided through an approved collection system. [Ord. 190 § 19, 1987.]

### **13.10.200 Consumers to accept service conditions.**

All applicants for service connections or sewer service shall be required to accept such conditions of service as are provided by the system at the location of the proposed service connection and to hold the

department harmless from all damages arising from conditions or interruptions of service not expressly caused by the sewer system. [Ord. 190 § 20, 1987.]

**13.10.210 Sewer system required.**

It shall be unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of sewage, either by flush toilet connected with a sewage system approved by the City of Rio Dell City Manager or designee or, when it is judged permissible by the County Health Officer, a septic tank which meets the requirements of construction and maintenance as required by the said County Health Department.

It shall be unlawful for any person to construct or maintain any privy, cesspool, septic tank, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health whereby they shall do any of the following:

(1) Overflow any lands whatever;

(2) Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes or other waters within the City of Rio Dell; provided, however, with respect to existing septic tanks, sewage treatment works, sewer pipes or conduits or other pipes or conduits for the treatment or discharge of sewage or impure waters, if it would be impossible to comply with the provisions of this section, the County Health Officer shall have the power by special permit to allow such variations from the provisions contained in this section as will prevent unnecessary hardship or injustice and at the same time most nearly accomplish the general purpose and intent hereof.

It shall be unlawful for any person, firm or corporation to construct, build, or rebuild any place of residence or other building or place where persons congregate, reside or are employed which is not to be connected to an approved public sanitary sewer without first submitting plans of the means of sewage disposal to the City Manager or designee and obtaining a permit therefore as herein provided. Such plans shall include the plot plan of the premises with sufficient elevations, the size and type of septic tank, and a plan of the absorption field, giving all dimensions and other pertinent information. No sewage disposal installation shall be made without inspection. A copy of each inspection report shall be filed with the Health Officer. [Ord. 190 § 21, 1987.]

**13.10.220 Building sewers, laterals and connections.**

(1) Permit Required. No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the City and paying all fees and connection charges as required.

(2) Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the City and to the approval of the City Manager or designee.

(3) Separate Sewers. No two adjacent buildings fronting on the same street shall be permitted to join the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots.

(4) Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Manager or designee, to meet all requirements of the City.

(5) Cleanouts. Cleanouts in building sewers shall be provided in accordance with the rules, regulations and ordinances of the City. All cleanouts shall be maintained watertight.

(6) Down Spouts/Roof Drains. Down spouts or roof drains shall not discharge rainwater or storm runoff into the building lateral or any sewer connection.

(7) Sewer Too Low. In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the City Manager or designee, and discharged to the public sewer at the expense of the owner.

(8) Connection to Public Sewer. The connection of the building sewer into the sewer system shall be made at the applicant's expense. The applicant shall extend the building sewer to the property line, at which point it shall be the responsibility of the City to connect the building sewer to the City system lateral. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the City Manager or designee.

(9) Maintenance of Building Sewer. Building sewers shall be free of infiltration and be maintained by the owner of the property served thereby.

(10) Public Sewer Construction – Permit Required. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required. The provision of this section requiring permits shall not be construed to apply to contractors' construction sewers and appurtenances under contracts awarded and entered into by the City.

(11) Plans, Profiles and Specifications Required. The application for a permit for public sewer construction shall be accompanied by three complete sets of plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the City prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by the City Manager or designee, who shall within 20 days approve them as filed or require them to be modified as he deems necessary for proper installation. When the City Manager or designee is satisfied that the proposed work is proper and the plans, profiles, and specifications are sufficient and correct, he shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the City. The permit shall prescribe such terms and conditions as the City Manager or designee finds necessary in the public interest.

(12) Subdivisions. The requirements of this section shall be fully complied with before any final subdivision map shall be approved by the City Council. The final subdivision map shall provide for the dedication for public use of streets, easements or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the City Council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

(13) Easements or Right-of-Way. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the City a proper easement or grant of right-of-way having a minimum width of 10 feet sufficient in law to allow the laying and maintenance of such extension or connection.

(14) Persons Authorized to Perform Work. Only properly licensed contractors and City forces shall be authorized to perform the work of public sewer construction within the City. All terms and conditions of the permit issued by the City to the applicant shall be binding on the contractor.

(15) Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all State, County or City laws, ordinances, rules and regulations pertaining to the cutting or pavement opening, barricading, lighting, and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit of the City.

(16) Design and Construction Standards. Design and construction of sewers within the City must be approved by the City Manager or designee. Three complete sets of as-built drawings showing the actual location of all mains, structures, wyes, and laterals shall be filed with the City before final acceptance of the work.

(17) Completion of Sewer Required. Before any acceptance of any sewer line by the City and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete to the satisfaction of the City Manager or designee. [Ord. 190 § 22, 1987.]

### Article III. Rates, Charges and Billing

#### 13.10.230 Rates, charges and billings.

(1) Rates, effective as determined with passage of the ordinance codified in this chapter, are composed of two separate elements for use in monthly billing:

(a) A uniform system fee applied to each service regardless of size and whether or not any service is used (a disconnected service shall not be required to pay this fee, but will be subject to a connection and reconnection fee as provided in RDMC 13.10.130 through 13.10.170). This fee shall be \$2.50 monthly.

(b) A usage cost at the following rates:

User Classification	Monthly Charge
Residential	\$11.50
Apartments	\$11.50
Barber and Beauty Shops	\$11.50
Retail Establishments	\$11.50
Office Buildings	\$11.50
Halls and Churches	\$11.50
Mobile Homes	\$11.50
Motels	\$16.60/mo., plus \$0.67 per 100 cu. ft. of water over 1,510 cu. ft.
Primary School	\$23.20/mo., plus \$0.30 per 100 cu. ft. of water over 4,290 cu. ft.
Elementary School	\$23.20/mo., plus \$0.53 per 100 cu. ft. of water over 3,150

	cu. ft.
Restaurants and Lounges	\$15.40/mo., plus \$1.92 per 100 cu. ft. of water over 600 cu. ft.
Bowling Alley	\$26.50/mo., plus \$0.64 per 100 cu. ft. of water over 3,125 cu. ft.
Grocery Stores	\$14.60/mo., plus \$1.93 per 100 cu. ft. of water over 1,225 cu. ft.
Service Stations and Garages	\$15.20/mo., plus \$0.71 per 100 cu. ft. of water over 1,225 cu. ft.
Laundries	\$43.50/mo., plus \$0.49 per 100 cu. ft. of water over 1,225 cu. ft.
Bare	\$15.40/mo., plus \$0.64 per 100 cu. ft. of water over 1,399 cu. ft.
Car Washes	\$24.00/mo., plus \$0.32 per 100 cu. ft. of water over 4,000 cu. ft.
Doctor's and Dental Offices, Clinics and Laboratories	\$13.20/mo., plus \$0.44 per 100 cu. ft. of water over 1,149 cu. ft.
Convalescent Homes	\$13.20/mo., plus

	\$0.59 per 100 cu. ft. of water over 1,140 cu. ft.
Recreational Vehicle Parks	\$14.00/mo. plus \$2.50 per space plus \$0.15 per 10 cu. ft. of water over 10,750 cu. ft.
Industrial/Environmental	\$95.00/mo. plus \$3.50 per 100 cu. ft. of water over 500 cu. ft.

(1) All sewer billing shall be monthly to coincide with water billing, scheduled for posting and delivery on the first day of each month following water meter readings. Utility bills are due and payable from the first day of each month at the Rio Dell City Hall.

Utility bills not having been paid before the next following billing shall be considered to be delinquent and no further notice will be provided other than on the said next following billing reflecting that two months of service are outstanding.

Should water payment in full not be received within 10 calendar days from the said second billing, then shut-off notices shall be issued and the water service discontinued until payment of all outstanding billings is made in full (refer to RDMC 13.10.250); provided further, that no such shut-off will occur on a Friday unless specifically directed by the City Manager or designee.

(2) Sewer service billing shall be assessed against the person or persons who reside in or otherwise occupy the premises being served and identified as the person or persons having completed an application for sanitary sewer service as a non-owner resident of the premises, and after having deposited \$200.00 as surety against any sewer service charges sustained during the said non-owner occupancy or control of the said premises, whereupon the depositor shall receive a numbered receipt which shall be required to be presented at demand of all or any part of a refund of any balance of deposit remaining after any and all current sanitary sewer service charges are satisfied.

However, and notwithstanding the above, owners of real property rented, leased, occupied or in any manner controlled by non-owners shall be liable for any unpaid sewer service not paid by the said non-owners, with such unpaid amounts due and payable prior to any continued use of any said premises, and the water to such premises shall therefore also be discontinued in order to cause the sewer service to become inoperable pending settlement of outstanding utility bills.

(3) In any case served by the Rio Dell sewer system, either inside or outside of the City limits, shall pay the following monthly rates as a minimum:

(a) Inside City limits, the same as subsection (1) of this section.

(b) Outside City limits, 150 percent of the total minimum rate in effect in subsection (1) of this section.

(4) All sewer billing is due and payable at the Rio Dell City Hall and payments not made before the next following billing shall be deemed to be delinquent and 10 calendar days thereafter, without benefit of further notice, delinquent services will be discontinued (refer to subsection (2) of this section).

(5) Any consumer required to pay for sewer services in accordance with this section who commences service on or after the sixteenth of any month shall pay a rate for that month of only 50 percent of the required rate for the full month.

Any consumer required to pay for sewer service in accordance with this section who discontinues service on or before the fifteenth day of any month shall pay a rate for that month of only 50 percent of the required rate for the full month. [Ord. 248 § 1, 2003; Ord. 231 § 1, 1995; Ord. 210 §§ 1, 2, 1991; Ord. 207, 1991; Ord. 190 § 23, 1987.]

#### **13.10.240 Discontinuance of service for nonpayment.**

In the event that any customer shall be delinquent in the payment of his sewer bill, the department shall have the right forthwith and without further notice to discontinue water service to the premises of such delinquent customer and water shall not again be supplied to him or to the premises until all delinquent City utility bills and charges for reconnection have been paid. [Ord. 190 § 24, 1987.]

#### **13.10.250 Procedure for restoring service after delinquency.**

If water service is cut off or discontinued for failure to pay delinquent City utility bills, such service may again be established only in the event the customer or the owner of the premises served pays all delinquent bills and charges as may be required by this chapter.

When an owner or customer has been delinquent in his sewer bills twice in succession or three times in any one 12-month period, he shall be required to pay a late payment fee of \$10.00. Said late payment fee shall be increased by \$10.00 for each succeeding late payment, up to a maximum fee of \$200.00.

Thereupon and not otherwise will water service again be made or established to the premises where the bill has been delinquent (thus allowing sewer service). [Ord. 190 § 25, 1987.]

#### **13.10.251 Pretreatment charges and fees.**

The Council may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the City's pretreatment program which may include:

- (A) Fees for wastewater discharge permit applications including the cost of processing such applications.
- (B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by the users.
- (C) Fees for reviewing and responding to accidental discharge procedures and construction.
- (D) Fees for filing appeals.
- (E) Other fees as the City may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City.

#### **Article IV. Services**

##### **13.10.260 To remain City property – Repairs by City.**

All sewer pipes in public property are the property of the City and the City will maintain and repair them when in its judgment such repairs are needed. [Ord. 190 § 26, 1987.]

##### **13.10.270 One service to lot or parcel of land – Exception.**

There shall be at least one sewer service on each lot or parcel of real property which is improved with a dwelling or building thereon; except where one building occupies more than one lot, then only one service for such building shall be required. [Ord. 190 § 27, 1987.]

##### **13.10.280 Connection service pipe to system – Premises to be left as originally found upon completion of tests – Notice to City – Liability of plumber and customer.**

Any plumber or any other person connecting private sewer service pipe to the property side of a City sewer must leave the City system in as good condition as found, and shall notify the City at the time the connection is made. Any damage caused by the negligence or carelessness of any plumber or other person to any part of the connection must be paid by such plumber or person to the City on demand. [Ord. 190 § 28, 1987.]

##### **13.10.290 Bill to be rendered after connection.**

The sewer department of the City may connect to any City sewer service pipe at any time it shall deem it expedient to do so, and render a corrected bill from the date of installation of such connection. [Ord. 190 § 29, 1987.]

##### **13.10.300 Liability of customer for damages to system.**

After the sewer service is so connected, any damage resulting from malice, carelessness or negligence of the customer or any member of his family, or anyone employed by him, and any damage which may result from hot water or steam from a boiler, or otherwise, shall be paid for by such customer to the City on presentation of a bill therefore; and in case such bill is not paid, the water shall be shut off to the premises without further notice, and the same shall not be turned on until all charges are paid. [Ord. 190 § 30, 1987.]

##### **13.10.310 Cutting off or interfering with sewer service.**

It shall be unlawful for any person to interfere with or cut off or remove a sewer service from where it has been installed without first receiving written permission from the City Manager or designee. Such permission shall be granted only for the purpose of tests, replacements, repairs or service pipes, readjustment of service or similar emergency. [Ord. 190 § 31, 1987.]

##### **13.10.320 Application for stopping sewer service bill to be rendered.**

Upon the written notice of the owner of a building or premises to have the sewer service stopped, the City shall have the water shut off, and at the time record the reading of the meter and render a bill in a sum which shall be the amount according to the rates and charges provided for herein. [Ord. 190 § 32, 1987.]

**13.10.330 Nuisance abatement.**

Any nuisance, contamination, pollution, or infiltration as defined herein existing on any parcel of land in the City of Rio Dell may be abated as provided herein. The procedure for said abatement provided herein shall not be exclusive, but shall be cumulative and in addition to any other abatement procedure provided by the laws of the State of California or the ordinances of the City of Rio Dell. [Ord. 190 § 33, 1987.]

**13.10.340 Sewage not to be discharged so as to result in contamination, pollution or nuisance.**

No person shall discharge sewage or other waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution or a nuisance. [Ord. 190 § 34, 1987.]

**13.10.350 Abatement of contamination.**

Whenever any local Health Officer or enforcement official finds that a contamination exists, the officer or official shall order the contamination abated, as provided in this chapter. [Ord. 190 § 35, 1987.]

**13.10.360 Issuance of peremptory abatement order – Report to regional board – Prosecution of injunction proceedings.**

The local Health Officer or enforcement official may issue a peremptory order requiring the abatement of a contamination and shall immediately furnish to the proper regional board a report of information and data relating thereto. Coincident with issuing such order, or if any order or regulation is not complied with, the local Health Officer or enforcement official may bring and prosecute an action for an injunction in the superior court of the County of Humboldt.

The local Health Officer of Humboldt County shall render to persons subject to such order all possible assistance in complying with the order including all possible assistance in securing any necessary funds for such purpose. [Ord. 190 § 36, 1987.]

**13.10.370 Discharge of sewage or other waste resulting in contamination a misdemeanor.**

Any person who discharges sewage or other waste in any manner which results in contamination is guilty of a misdemeanor. Any person, firm or corporation who violates or refuses or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished upon conviction of a fine of not less than \$25.00 nor more than \$500.00 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. [Ord. 190 § 37, 1987.]

**13.10.380 Abatement procedures.**

The procedure for abatement of a contamination, pollution, nuisance, or infiltration including but not limited to notice of such abatement, recordation of lis pendens, time and place of hearing, order of the Council, accounting of costs and receipts, hearing on account and proposed assessment, recordation of lien, and collection with ordinary taxes, shall follow essentially the same procedure as provided for in

Chapter 8.10 RDMC, providing for the establishment of a procedure for the abatement of nuisances and making the cost of such abatement a special assessment upon a parcel of land so involved. [Ord. 190 § 40, 1987.]

**13.10.390 Liability.**

This chapter shall not be construed as imposing upon the City of Rio Dell any liability or responsibility for damage resulting from the defective construction of any sanitary disposal system as herein provided, nor shall the City of Rio Dell or any official or employee thereof or the Humboldt County Health Officer be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder. [Ord. 190 § 42, 1987.]

## Article V. General Sewer Use Regulations

### 13.10.410 Discharges – criteria.

It shall be unlawful for any person to discharge or cause to be discharged into any public sewer system which directly or indirectly connects to the City of Rio Dell sanitary sewer system any sewage if, in the determination of the City Manager or designee, such sewage may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment effluent quality, public or private property, or may otherwise endanger the public, local environment, or create a public nuisance. The City Manager or designee, in determining the acceptability of specific sewage, shall consider the nature of the sewage and the adequacy and nature of the collection, treatment and disposal system available to accept the sewage. [Ord. 203, 1990; Ord. 190 § 48, 1987.]

### 13.10.420 Prohibitions.

(A) No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

(B) No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon a written application by the user and the payment of the applicable user charges and fees, the City issues a permit for such direct discharges.

(C) It shall be unlawful for any person to discharge or cause to be discharged any surface water, rain water, stormwater, ground water, street drainage, subsurface drainage, yard drainage, roof drainage, water from yard fountains, ponds or lawn sprays, cooling water, or any other uncontaminated water into any sewage facility which directly or indirectly discharges to a sanitary sewer system owned by the City of Rio Dell. [Ord. 203, 1990; Ord. 190 § 46, 1987; Ord. 38 § 1, 1965.]

#### (D) Specific Prohibitions.

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.

(2) Any wastewater having a pH less than 5.5 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-inch or 25.4 millimeters in any dimension.

(4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process; or which will constitute a hazard to humans or animals.

(5) Any wastewater having a temperature greater than 150° F (65.5° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with RDMC 13.10.430 of this chapter.

(9) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(10) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

(11) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved in writing by the City Manager or designee, in compliance with applicable state or federal regulations.

(12) Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the City Manager or designee.

(13) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(14) Any medical wastes, except as specifically authorized in writing by the City Manager or designee in a wastewater discharge permit.

(15) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(16) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(17) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

(18) Any discharge of petroleum/mineral oil products is limited to 25 mg/l.

(19) Gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the sewerage system.

(20) Waste containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

(E) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

#### **3.10.421 Dilution.**

No industrial user or wastewater hauler shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The City Manager or designee may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

#### **13.10.422 City's right of revision.**

The City's reserves the right to enter into special written agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

## **Article VI. Pretreatment of Wastewaters**

### **13.10.425 Pretreatment and screening.**

Domestic sewage consisting essentially of human waste may be passed into the sewers without screening. Industrial waste must be examined prior to discharge into the City sewer system by the City Manager or designee and, if he deems it necessary, such wastes must be given preliminary treatment and be screened prior to their discharge into the City sewer system. The type of treatment and screening shall be subject to the City Manager's or designee's sole discretion.

No person shall suffer or permit any premises belonging to or occupied by or under his control, any cellar, vault, cesspool, privy, sewer or private drain thereon, to become foul or offensive and detrimental to the health or public comfort. [Ord. 190 § 4, 1987.]

### **13.10.426 Pretreatment facilities.**

Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this chapter within the time limitations specified by the EPA, the state, or the City Manager or designee, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the City for review, and must be approved by the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this chapter.

### **13.10.427 Additional pretreatment measures.**

(A) Whenever deemed necessary, the City Manager or designee may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

(B) Each person discharging into the POTW greater than 100,000 gallons per day shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a 24-hour period.

(C) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(D) At no time shall any reading on a properly calibrated combustible gas detector at the point of discharge into the POTW, or at any point in the POTW, be more than 20% of the lower explosive limit (LEL) of the meter.

**13.10.428 Accidental discharge/slug control plans.**

The City Manager or designee may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the City Manager or designee shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which provides, at a minimum, the following:

- (A) Description of discharge practices including non-routine batch discharges.
- (B) Description of stored chemicals.
- (C) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in RDMC 13.10.410 through 13.10.420 of this chapter.
- (D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (E) Procedures for immediately notifying the POTW of any changes affecting the potential

**13.10.429 Tenant responsibility.**

Where an owner of property lets premises to any other person as a tenant, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter. This provision is enforceable against the either or both the owner, tenant or both, without regard to any contractual arrangements as between the owner and tenant.

**13.10.430 Hauled wastewater.**

(A) Septic tank waste of residential origin may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the City Manager or designee, provided such wastes do not violate the provisions of this chapter or any other requirements established or adopted by the City. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by and at the discretion of, the City Manager or designee, based on the interests and purposes to be served under this chapter.

(B) The discharge of hauled industrial wastes is prohibited without prior approval and a wastewater discharge permit from the City.

(C) Fees for dumping septage will be established as part of the industrial user fee system as authorized in this chapter.

**13.10.431 Federal categorical pretreatment standards.**

The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

**13.10.432 Interceptor requirements**

Grease, oil and sand interceptors shall be provided when, in the opinion of the City Manager or designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City Manager or designee and shall be so located to be easily accessible for cleaning and inspection. All interception units shall be installed in accordance with the provisions of this chapter. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at their sole expense. New and existing Users that are determined by the City Manager or designee to have a reasonable potential to adversely impact the POTW shall install a grease interceptor.

A. Users that are required to have a grease interceptor may be required to connect fixtures or drains that have a reasonable potential to allow fats, oils, and grease to be discharged to the POTW to an appropriately sized grease interceptor.

B. Users with garbage grinders shall discharge the garbage grinder to a grease interceptor with a minimum capacity of 1,000 gallons or remove the garbage grinder.

C. Users with dishwashers shall discharge the dishwasher directly to the POTW or to a grease interceptor with a minimum capacity of 750 gallons.

D. Accumulated grease and sediment shall be removed as required. At a minimum gravity grease interceptors and grease traps shall be cleaned when the combined depth of sediment and grease, equals or exceeds 25% of the total depth of the sediment, water, and grease. For multiple chambered interceptors the measurements of sediment and grease is to be performed in the final interceptor chamber prior to discharge. All other grease interceptors shall be maintained in accordance with the manufacturer's specifications.

E. Grease interceptors shall be kept free of non-food waste including, but not limited to grit, rocks, gravel, sand, eating utensils, cigarettes, trash, towels, and rags.

F. The addition of chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives used for purposes of grease reduction to a grease interceptor is specifically prohibited.

G. If the City Manager or designee determines that a grease interceptor is not being adequately cleaned or maintained, a correction notice may be issued requiring the deficiency be corrected within seven working days. Maintenance programs including BMP's and defined cleaning frequencies may be mandated. Users that fail to adhere to a maintenance program may be required to install additional pretreatment devices.

H. The City will develop and implement a Fats, Oils, and Grease Policy.

I. Inspections and sampling. The City Manager or any person designated by the City Manager may inspect the facilities of any user of the City of Rio Dell sanitary sewer system, or any facilities in any way or manner connected to the City of Rio Dell sanitary sewer system, to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of the premises where sewage or wastewater is created or discharged shall allow the City Manager or his designee ready access at all reasonable times and at all parts of the premises for the purposes of inspections or sampling, or in the performance of any of their duties. The City of Rio Dell shall have the right to set up on user's property such devices as are necessary to conduct sampling and metering operations. The refusal of reasonable access to the user's premises for inspection purposes or monitoring purposes of sanitary sewer system-related matters shall be grounds for immediate suspension of the Rio Dell sanitary sewer system service to the person refusing reasonable access to the user's premises, including immediate severance of the sewer connection as set forth in RDMC 13.10.460(G).

J. Interceptors – Maintenance.

All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. [Ord. 203, 1990; Ord. 190 § 50, 1987.]

#### **13.10.433 Time of compliance.**

All commercial facilities and food establishments that are required to have a sand and/or grease interceptor or grease trap according to RDMC 13.10.432 shall be required to install a sand and/or grease interceptor or grease trap within the sixty (60) day period after the first occurrence of any of the following events:

- (a) Transfer of any ownership or interest in the commercial facility;
- (b) The issuance by the County of any building permit for the construction, reconstruction or related work to be performed on the premises costing more than \$5,000;
- (c) The backup or discharge of raw sewage on or from the premises due to grease build up in their service lateral;
- (d) Or ninety (90) days after receiving written notice from the City Manager or designee of the necessity for installation of such facilities.

**13.10.434 Monitoring and reporting.**

All establishments having a grease trap or interceptor shall maintain and clean this unit as recommended by the manufacturer. Each grease trap or interceptor shall be regularly maintained by the proprietor or property owner and records kept at the site for inspection by the City. Maintenance will vary depending upon the size of the unit and grease loading. The property owner or proprietor shall send a copy of the maintenance records to the City annually from the time of installation or some other agreed upon date by the City. At no time shall the unit be allowed to become clogged with grease so as to create damage to the City collection or treatment facilities. The Proprietor must develop a cleaning schedule sufficient to keep the unit functioning properly. Records of grease disposal to a collection agent must be made available to City personnel upon request.

## Article VII. Waste Discharge Permit

### 13.10.435 Wastewater survey.

When requested by the City Manager or designee, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City Manager or designee is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this chapter, or for imposing penalties as set out in RDMC 13.10.457 through 13.10.466.

### 13.10.436 Wastewater discharge permit requirements.

#### (A) *Requirement.*

(1) It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the City Manager or designee. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the enforcement actions set out in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(2) The City Manager or designee may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(B) *Existing connections.* Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 45 days after said date, apply to the City for a wastewater discharge permit in accordance with RDMC 13.10.437 of this chapter, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the City.

(C) *New connections.* Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to discharging. An application for this wastewater discharge permit must be filed at least 45 days prior to the date upon which any discharge will begin.

(D) A Zero Discharge Permit may be issued to industrial users generating process wastewaters who would normally be subject to either RDMC 13.10.436 of this ordinance or subject to Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40CFR Chapter I, Subpart N but are not

discharging said wastestream(s) to the system. Zero Discharge Permit holders are subject to all applicable regulations under local, state, or federal laws. Pursuant to this ordinance, a statement of zero discharge must be submitted to the City annually.

#### **13.10.437 Wastewater discharge permit application.**

(A) *Contents.* All industrial users required to have a wastewater discharge permit must submit a completed wastewater discharge permit application. The City Manager or designee shall approve a form to be used as a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

(B) *Application signatories and certification.* All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

***I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.***

(C) *Misleading, incomplete or false information.* Any application submitted with information that is at any time determined to be materially misleading, incomplete or false may result in termination of the permit, disconnection of service, penalties under this chapter, as well as any other remedies provided by law.

#### **13.10.438 Wastewater discharge permit decisions.**

The City Manager or designee will evaluate the data furnished by the industrial user and may require additional information. Within 45 days of receipt of a complete wastewater discharge permit application, the City Manager or designee will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The City Manager or designee may deny any application for a wastewater discharge permit.

#### **13.10.439 Duration of permit; reissuance.**

(A) Wastewater discharge permits shall be issued for a specified time period, not to exceed five years, at the discretion of the City Manager or designee. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(B) A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with RDMC 13.10.437 of this chapter a minimum of 45 days prior to the expiration of the industrial user's existing wastewater discharge permit.

#### **13.10.440 Permit contents.**

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the City Manager or designee to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(A) Wastewater discharge permits shall contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

(2) A statement that the wastewater discharge permit is nontransferable.

(3) Effluent limits applicable to the user based on applicable standards in federal, state, and local law.

(4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, or local law.

(5) Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(6) Requirements to control Slug Discharges, if determined by the POTW to be necessary.

(B) Wastewater discharge permits may contain, but need not be limited to the following:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(2) Limits on instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(6) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(9) Other conditions as deemed appropriate by the City Manager or designee to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

#### **13.10.441 Appeals.**

Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within ten days of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal process.

(D) If the City fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

(E) If the ruling made by the City Manager or designee is unsatisfactory to the person requesting reconsideration, they may, within ten days after notification of such City action, file a written appeal to the Council. The written appeal shall be heard by the Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within ten days after the close of the meeting.

#### **13.10.442 Permit modification**

(A) The City Manager or designee may modify the wastewater discharge permit with good cause including, but not limited to, the following:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) To address change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) To address information indicating that permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- (5) For a violation of any terms or conditions of the wastewater discharge permit;
- (6) For misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application nor in any required reporting;
- (7) To address revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit; and

(B) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

#### **13.10.443 Transfer of permit.**

(A) Wastewater discharge permits may not be reassigned or transferred to a new owner.

#### **13.10.444 Revocation of permit.**

(A) Wastewater discharge permits may be revoked for the following reasons:

(1) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide notification to the City of changed condition pursuant to RDMC 13.10.449 of this chapter;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the City timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

(B) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

## Article VIII. Reporting Requirements

### 13.10.445 Baseline monitoring reports.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determined under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in division (B) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in division (B) of this section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(B) The industrial user shall submit the information required by this section including:

(1) *Identifying information.* The name and address of the facility including the name of the operator and owners.

(2) *Wastewater discharge permits.* A list of any environmental control wastewater discharge permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) *Measurement of pollutants.*

(a) Identify the categorical pretreatment standards applicable to each regulated process.

(b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from

each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operation and shall be analyzed in accordance with procedures set out in RDMC 13.10.454 of this chapter.

(c) Sampling must be performed in accordance with procedures set out RDMC 13.10.455 of this chapter.

(6) *Certification.* A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirement.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out RDMC 13.10.446 of this chapter, and signed by an authorized representative as defined by RDMC 13.10.010.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with RDMC 13.10.437 (B) of this chapter.

#### **13.10.446 Compliance schedule progress report.**

The following conditions shall apply to the schedule required by RDMC 13.10.445 of this chapter. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the City Manager or designee no later than 14 days following each date in the schedule and the final date of compliance. The report shall include at a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the City Manager or designee.

#### **13.10.447 Report on compliance with categorical pretreatment standard deadlines.**

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in RDMC 13.10.445 (B) 4 through 6 of this chapter. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with RDMC 13.10.437 (B) of this chapter.

#### **13.10.448 Periodic Compliance Reports.**

(A) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the City Manager or designee, but in no case less than once per year (in December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with RDMC 13.10.437 (B) of this chapter.

(B) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(C) If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedure prescribed in RDMC 13.10.454 through 13.10.455 of this chapter, the results of this monitoring shall be included in the report.

#### **13.10.449 Reports of changed conditions.**

Each industrial user is required to notify the City Manager or designee of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 45 days before the change.

(A) The City Manager or designee may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

(B) No industrial user shall implement the planned changed conditions until and unless the City Manager or designee has responded to the industrial user's notice.

(C) For purposes of this requirement, flow increases of 10% or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

#### **13.10.450 Reports of potential problems.**

(A) In the case of any discharge including, but not limited to, accidental discharge of non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective action taken by the industrial user.

(B) Within five days following such discharge, the industrial user shall, unless waived by the City Manager or designee, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter.

(C) Failure to notify the City of potential problem discharges shall be deemed a separate violation of this chapter.

(D) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in division (A) of this section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

#### **13.10.451 Reports from nonsignificant industrial users.**

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City Manager or designee may require.

#### **13.10.452 Notice of violation; repeat sampling and reporting.**

If sampling performed by an industrial user indicates a violation, the industrial user must notify the City within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

#### **13.10.453 Notification of the discharge of hazardous waste.**

(A) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the names of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent information is known and readily available to the industrial users an identification of the hazardous constituents contained in the wastes, an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 30 days after the discharge commences. Any notification under this division (A) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under RDMC 10.13.449 of this chapter. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of RDMC 13.10.445, RDMC 13.10.447 and RDMC 13.10.448 of this chapter.

(B) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(C) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(D) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State Law.

#### **13.10.454 Analytical requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

**13.10.455 Sample collection; determination of noncompliance.**

(A) *Sample collection.*

(1) Except as indicated in subsection (2) and (3) of this division (A), the industrial user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City Manager or designee. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in RDMC 13.10.445 and RDMC 13.10.446 of this chapter a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City Manager or designee may authorize a lower minimum. For the reports required by RDMC 13.10.448 the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(B) *Determination of noncompliance.* The City Manager or designee may use a grab samples to determine noncompliance with pretreatment standards

**13.10.456 Record keeping.**

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the City Manager or designee.

## Article IX. Administration and Enforcement

### 13.10.457 Duties of City Manager.

Except as otherwise provided in this chapter, the City Manager shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other City personnel.

### 13.10.458 Compliance monitoring.

(A) *Inspection and sampling.* The City Manager or designee shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the City Manager or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangement with its security guards so that, upon presentation of suitable identification, personnel for the City, state, and EPA shall be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(2) The City, state, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The City may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. The monitoring equipment should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that the facility will not be obstructed by landscaping or parked vehicles. All devices used to measure wastewater flow and quality shall be calibrated yearly to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal

request of the City Manager or designee and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(5) Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this chapter.

(6) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local agency construction standards and specifications. Construction shall be completed within 90 days following written notification by the City, unless a time extension is otherwise granted by the City.

(B) *Search warrants.* If the City Manager or designee has been refused access to a building, structure, or property or any part thereof, and if the City Manager or designee has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Attorney may apply to the appropriate court for a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant

#### **13.10.459 Publication of industrial users in significant noncompliance.**

The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the significant industrial users and categorical industrial users which, during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation which the City determines will adversely affect the operation or implementation of the local pretreatment program.

#### **13.10.460 Administrative enforcement remedies.**

(A) *Notification of violation.* Whenever the City Manager or designee finds that any person has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the City Manager or his agent may serve upon said person a written notice of violation. Within seven days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the person to the City Manager or designee. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. The City Manager or designee has the option of providing a Warning Notice of Violation (Warning NOV). A Warning NOV is a verbal or written communication between the City Manager or designee and the industrial user regarding possible enforcement action for potential or actual noncompliance by the industrial user. The City Manager or designee must document the warning in writing and place a copy of the documentation in the user's file

(B) *Consent Orders.* The City Manager or designee may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any Person responsible for

noncompliance. Such documents shall include specific action to be taken by the Person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to RDMC 13.10.460 (D) and RDMC 13.10.460 (E) of this ordinance and shall be judicially enforceable.

(C) *Show Cause Hearing.* The City Manager or designee may order a Person which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the City Manager or designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any Authorized Representative of the Person as defined in RDMC 13.10.010 (D) and required by RDMC 13.10.437 (B). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Person.

(D) *Compliance Orders.* When the City finds that a person has violated or continues to violate this chapter, wastewater discharge permits or order issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the person responsible for the discharge directing that the person come into compliance within 30 days. If the person does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the person.

(E) *Cease and desist orders.*

(1) When the City Manager or designee finds that a person is violating this chapter, the person's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the person's past violations are likely to recur, the City Manager or designee may issue an order to the person directing it to cease and desist all such violations and directing the person to:

- (a) Immediately comply with all requirements;
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(2) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the person.

(F) *Administrative fine.*

(1) Notwithstanding any other section of this chapter, any person that is found to have violated any provision of this chapter, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement may be fined in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

(2) Assessments may be added to the person's next scheduled sewer service charge and the City Manager or designee shall have such other collection remedies as may be available for other service charges and fees.

(3) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of 10% of the unpaid balance and interest shall accrue thereafter at a rate of 0.5% per month. A lien against the individual person's property will be sought for unpaid charges, fines, and penalties.

(4) Persons desiring to dispute such fines must file a written request for the City Manager or designee to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the City Manager or designee shall convene a hearing on the matter within 30 days of receiving the request from the industrial person. In the event the person's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial person. The City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(5) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the person.

(G) *Emergency suspensions.*

(1) The City Manager or designee may immediately suspend a person's discharge (after informal notice to the person) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager or designee may also immediately suspend a person's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any person notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a person's failure to immediately comply voluntarily with the suspension

order, the City Manager or designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager or designee shall allow the person to recommence its discharge when the person has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in this chapter are initiated against the person.

(b) A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the City Manager or designee, prior to the date of any show cause or termination hearing as set forth in this chapter.

(2) Nothing in this division (E) shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(H) *Termination of discharge.*

The City Manager or designee may immediately suspend the sewer and water service when such suspension is necessary, in the opinion of the City Manager or designee, to stop an actual or threatened discharge of wastewater, sewage or any substance into the sanitary sewer system which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes interference or damage to the treatment works or sanitary sewer system.

(1) In addition to those provisions of RDMC 10.13.444, any person that violates the following conditions of this chapter, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(a) Violation of wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(d) Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, or sampling;

(e) Violation of the pretreatment standards in RDMC 13.10.410 through 13.10.421 and RDMC 13.10.431 of this chapter.

(2) Any person notified of the suspension of the sewer and water service shall immediately stop or eliminate the contribution. Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under division (C) of this section why the proposed action should not be taken. In the event of the failure of the person to comply voluntarily with the suspension order, the City Manager or designee shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to any individuals or to the sanitary sewage system. The City Manager or designee shall reinstate the sewer and water service upon proof of the elimination of the noncomplying discharge. [Ord. 203, 1990; Ord. 190 § 55, 1987.]

#### **13.10.461 Judicial enforcement remedies.**

(A) *Injunctive relief.* Whenever the person has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the City may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate in restraining the continuance of such violation.

(B) *Civil penalties.*

(1) Any person which has violated or continues to violate this chapter, any order, or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(3) When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the City may assess a charge against the person for the cost of the work required to clean or repair the POTW and add such charge to the person's service charge.

(4) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a person.

#### **13.10.462 Supplemental enforcement actions.**

(A) *Water supply severance.* Whenever a person has violated or continues to violate the provisions of this chapter, orders, or wastewater discharge permits issued in this chapter, water service to the person may be severed. Service will only recommence, at the person's expense, after it has satisfactorily demonstrated its ability to comply.

(B) *Public nuisances.* Any violation of this chapter, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of applicable state and City codes, ordinances, rules and/or regulations governing such nuisances, including recoupment by the City of any costs incurred in removing, abating or remedying said nuisance.

#### **13.10.463 Remedies non-exclusive.**

The provisions in RDMC 13.10.458 through RDMC 13.10.462 of this chapter are not exclusive remedies. The City reserves the right to take any, all or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

#### **13.10.464 Affirmative defenses to discharge violations.**

(A) *Upset.*

(1) For the purposes of this section, *UPSET* means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of subsection (3) of this division (A) are met.

(3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the industrial user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(c) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

1. A description of the indirect discharge and cause of noncompliance.

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(B) *Bypass.*

(1) For the purposes of this section,

(a) *BYPASS* shall mean the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(b) *SEVERE PROPERTY DAMAGE* shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (3) and (4) of this division (B).

(3) Bypass notification

(a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass if possible.

(b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the

bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

#### (4) Bypass

(a) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

3. The industrial user submitted notices as required under subsection (3) of this division (B).

(b) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed RDMC 13.10.464 (B) 4 (a).

(b) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed RDMC 13.10.464 (B) 4 (a).

(A) Any person that willfully or negligently violates any provision of this chapter, any orders, or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.

any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.

(B) Any person that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500 per violation per day, or imprisonment for not more than one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(C) Any person that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$500 per violation per day or imprisonment for not more than one year or both.

(D) In the event of a second conviction, a person shall be punished by a fine of not more than \$2,000 per violation per day or imprisonment for not more than two years or both.

#### **13.10.466 Appeals.**

Any user, permit applicant or permit holder affected by any decision, action or determination, including cease or desist orders made by the City Manager or designee in interpreting or implementing the provisions of this chapter, or any permit issued pursuant to the provisions of this chapter, may file with the City Manager or designee a written request for reconsideration within 10 days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the ruling made by the City Manager or designee is unsatisfactory to the person requesting reconsideration, the person may, within 10 days after notification of such City action, file a written appeal to the City Council. The written appeal shall be heard by the City Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within 10 days after the close of the meeting. The Manager's decision, action or determination shall remain in effect during the period of reconsideration. [Ord. 203, 1990; Ord. 190 § 56, 1987.]

## Article X. Sewer Lateral Inspection at Time of Sale

### 13.10.467 Transfer of property and testing.

Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration.

a. This test will be set up by a licensed contractor, paid for by the property seller or buyer, and signed off by the City Manager or authorized representative. Test requirements are available at City Hall.

An inspection card signed by an authorized City Inspector must accompany title transfer proceedings. It is the responsibility of the property buyer or seller to repair, replace and conform to all infiltration requirements prior to transfer of property connected to the City sewer system.

Exceptions: This section shall not apply to:

- a. Condominium or cooperative apartment buildings;
- b. To all buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three (3) years.
- c. To all buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three (3) years.

i. This determination shall be made by a test performed by City staff. Except for standard permit costs, there will be no charge to the property owner for this test. In the event that the test fails, refer to RDMC 10.13.469.

### 13.10.468 Sewer lateral testing.

The property owner or his/her appointed contractor shall obtain a plumbing permit for sewer lateral testing prior to commencing with the testing procedure. Testing methods and procedures shall conform to standard testing specifications (Sewer Testing Procedures) adopted by the City, copies of which are on file in the City Clerk's office. All conditions and access shall be made ready prior to scheduling an inspection. If an inspection is scheduled and cannot be performed because of inadequate condition or access to the sewer lateral, the City may recover costs.

### 13.10.469 Failure of test.

Should the lateral fail the test, the lateral shall be either repaired or replaced and retested. A plumbing permit will be required in order to perform the necessary repairs or replacement. This process shall continue until the lateral passes the required test. Lateral Certification. Once the lateral has successfully passed the testing procedure, the City Inspector witnessing the test will sign the permit inspection card as approved.

Lateral Certification. Once the lateral has successfully passed the testing procedure, the City Inspector witnessing the test will sign the permit inspection card as approved.

## **Article XI. Backflow and Cleanout Installation**

### **13.10.470 Backflow protective device and cleanout riser.**

All new building Laterals including Lateral replacements shall be equipped with a cleanout riser. All new building Laterals shall be also fitted with a backflow prevention device of type and materials as approved by the City. In addition, existing Buildings in which the elevation of the lowest floor is less than twelve (12) inches above the rim elevation of the nearest upstream manhole or junction structure in the reach of a City Main Sewer into which a Building Sewer, through a Lateral, connects shall be protected from backflow of Sewage by installing a backflow protective device of a type and in the manner prescribed by the City. Any such backflow protective device shall be installed by the owner of the property on which the building is constructed, and shall be located on the Building Sewer between the building and the property line, preferably at the location of the cleanout. The backflow protective device, if below grade, shall be enclosed in a suitable concrete utility box with removable cover and shall be readily accessible for inspection and maintenance. The installation of any such backflow protective device shall be at the sole cost and expense of the property owner. The maintenance of the backflow protective device shall be the sole obligation of the owner or the owner's successor in interest. The City shall be under no obligation to ascertain that the backflow protective device continues in operating condition.

## **Chapter 13.15**

### **CROSS CONNECTION CONTROL**

#### **Sections:**

<u>13.15.010</u>	Purpose.
<u>13.15.020</u>	Application.
<u>13.15.030</u>	Enforcement.
<u>13.15.040</u>	Definitions.
<u>13.15.050</u>	Cross connections prohibited.
<u>13.15.060</u>	Installation of backflow prevention device.
<u>13.15.070</u>	Types of backflow prevention device required.
<u>13.15.080</u>	Location.
<u>13.15.090</u>	Installation.
<u>13.15.100</u>	Approved backflow devices.
<u>13.15.110</u>	Inspections.
<u>13.15.120</u>	Right of entry for inspections.
<u>13.15.130</u>	Termination of services.
<u>13.15.140</u>	Rates.

#### **13.15.010 Purpose.**

The purpose of this chapter, in conjunction with Section 1003 of the Uniform Plumbing Code and the State of California Public Health Administrative Code, Title 17, is to protect the public health by the control and prevention of actual and potential cross connection (1) by requiring the proper installation and safeguarding of service lines leading to premises where cross connections exist or are likely to occur; (2) by periodic inspecting; (3) by regulating plumbing within premises to minimize the danger of contamination to the water system on the premises or the public water system itself. [Ord. 196 § 1, 1988.]

#### **13.15.020 Application.**

This regulation applies throughout the City to all premises and the owners and occupants thereof served by the City's water system. It applies to all systems installed prior to or after its enactment. Every owner and every occupant of premises covered by this regulation is responsible for compliance with its terms and shall be strictly liable for all damages incurring as a result of failure to comply with express terms and provisions contained herein. [Ord. 196 § 2, 1988.]

#### **13.15.030 Enforcement.**

The City Manager or designee will administer the provisions of this chapter. Any deviation, modification, changes from standard or approval of methods and material shall be by the Director. [Ord. 196 § 3, 1988.]

#### **13.15.040 Definitions.**

The following definitions will apply to interpretation of this chapter:

"Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level diameter of the supply pipe measured vertically above the flood level rim of the vessel. In no case may the gap be less than one inch.

"Auxiliary supply" means any water source or system other than the public potable water system that may be available in the building or on the premises.

"Backflow" means the reversal of flow, other than in the intended direction into the distribution of the public water system, from a service connection.

(a) "Back pressure" means the backflow caused by a pump, elevated tank, boiler, or other means that could create pressure within the system greater than the City water supply.

(b) "Back siphonage" means a form of backflow due to a negative or subatmospheric pressure within the water system.

"Backflow prevention device" means an approved device to counteract back pressure or prevent back siphonage.

"Cross connection" means any physical arrangement whereby a public water system is connected directly or indirectly with any other nonpotable water system sewer, drain, conduit, pool, storage, reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination into the public water system as a result of backflow. Bypass arrangements, jumper connections, moveable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross connections.

"Double check valve assembly (DCVA)" means an approved assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

"Reduced pressure principle backflow prevention device (RPBD)" means an approved device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with the necessary appurtenances for testing. The device must operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water system side of the device. At cessation of normal flow, the pressure between the check valves must be less than the supply pressure. In case of leakage of either check valve, the differential relief valve must operate to maintain the reduced pressure by discharging to the atmosphere. When the inlet pressure drops below two pounds per square inch, the relief valve must open to the atmosphere, thereby providing an atmospheric zone between the two check valves. [Ord. 196 § 4, 1988.]

**13.15.050 Cross connections prohibited.**

Except as provided below, all cross connections, whether or not they are controlled by automatic devices such as check valves or by hand-operated mechanisms such as gate valves or stop cocks, are prohibited.

Failure on the part of persons, firms or corporations to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water services to the premises. [Ord. 196 § 5, 1988.]

**13.15.060 Installation of backflow prevention device.**

Backflow prevention devices shall be installed at the service connection or within any premises where in the judgment of the City Manager or designee the nature and extent of activity on the premises, materials used in connection with the activities or materials stored on the premises would present an immediate or potential hazard to the public's health should a cross connection occur, even though such cross connection does not exist at the time the backflow prevention device is required to be installed. This includes:

- (1) Premises having an auxiliary water supply.
- (2) Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross connections exist.
- (3) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to ensure that cross connections do not exist.
- (4) Premises having a history of cross connections being established or reestablished.
- (5) Premises on which any substance is handled under pressure so as to permit entry into the public water system or where a cross connection could reasonably be expected to occur. This includes the handling of process waters and cooling waters.
- (6) Premises with commercial or residential water softener units (backwash).
- (7) Premises where materials of a toxic or hazardous nature are handled such that if backflow should occur, a serious health hazard may result.
- (8) The following types of facilities will fall into one of the above categories where a backflow prevention device shall be installed at these facilities as set forth in the California Administrative Code, Title 17, Public Health, unless the City Manager or designee determines that no health hazard exists:

(a) Hospitals, mortuaries, clinics;

(b) Laboratories;

- (c) Sewage treatment plants;
- (d) Food and beverage processing plants;
- (e) Chemical plants using a water process;
- (f) Metal plating industries;
- (g) Petroleum processing or storage plants;
- (h) Radioactive material processing plants or nuclear reactors;
- (i) Car washes;
- (j) Any building or structure three stories or higher;
- (k) Others specified by the certified cross connection specialist. [Ord. 196 § 6, 1988.]

**13.15.070 Types of backflow prevention device required.**

The type of prevention device required by the City of Rio Dell depends on the degree of hazard which exists, as follows:

- (1) An air-gap separation or reduced pressure backflow prevention device shall be installed where the water supply may be contaminated by sewage, industrial waste of a toxic nature, or other contaminant which would cause a health hazard.
- (2) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation or reduced pressure principle backflow prevention device shall be installed.
- (3) Pressure type vacuum breaker units (spring loaded) are the approved units for City-supplied irrigation systems. The unit must be installed at least 12 inches above the highest fixture point of water usage and in such a manner that drainage will preclude back pressure. [Ord. 196 § 7, 1988.]

**13.15.080 Location.**

Backflow prevention devices required by this chapter must be installed at the meter, at the property line of the premises when meters are not used or at a location designated by the City Manager or designee. The device must be located so as to be readily accessible for maintenance and testing, and where part of the device will not be submerged or hidden from proper inspection. [Ord. 196 § 8, 1988.]

**13.15.090 Installation.**

Backflow prevention devices required by this chapter must be installed under the supervision of the DPW. [Ord. 196 § 9, 1988.]

**13.15.100 Approved backflow devices.**

Any protective device required by this chapter must be a model approved by a hydraulics testing laboratory recognized by the State Department of Health Services, such as the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, as specified in their latest approved list of backflow devices. [Ord. 196 § 10, 1988.]

**13.15.110 Inspections.**

Backflow prevention devices must be inspected and tested annually or more often when inspections indicate any occasion of failure. An annual inspection fee will be charged. The device must be repaired, overhauled, or replaced whenever it is found to be defective. Inspections and tests must be made by a certified cross connection specialist or by the City's Water Department personnel and the device tagged. Repairs will be at the expense of the owner or occupant. [Ord. 196 § 11, 1988.]

**13.15.120 Right of entry for inspections.**

An authorized employee of the City shall have reasonable access to any premises supplied with water for the purpose of making inspections for cross connection control, inspections of the water system and water meters upon such premises. [Ord. 196 § 12, 1988.]

**13.15.130 Termination of services.**

The failure of the owner or occupant to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter may have water service discontinued after service of 24 hours' notice of the intention of the City to do so. [Ord. 196 § 13, 1988.]

**13.15.140 Rates.**

Rates will be established or amended, whenever necessary, by resolution of the City Council. [Ord. 196 § 14, 1988.]

## **Chapter 13.25 UNDERGROUNDING OF UTILITIES**

### **Sections:**

- 13.25.010 Definitions.
- 13.25.020 Public hearing by Council.
- 13.25.030 Council may designate underground utility districts by resolution.
- 13.25.040 Unlawful acts.
- 13.25.050 Exception, emergency or unusual circumstances.
- 13.25.060 Other exceptions.
- 13.25.070 Notice to property owners and utility companies.
- 13.25.080 Responsibility of utility companies.
- 13.25.090 Responsibility of property owners.
- 13.25.100 Responsibility of City.
- 13.25.110 Extension of time.
- 13.25.120 Penalty.

### **13.25.010 Definitions.**

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

"Commission" shall mean the Public Utilities Commission of the State of California.

"Person" shall mean and include individuals, firms, corporations, partnerships and their agents and employees.

"Poles, overhead wires and associated overhead structures" shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, cross-arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication or similar or associated service.

"Underground utility district" or "district" shall mean that area in the City within which poles, overhead wires and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of RDMC 13.25.030.

"Utility" shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. [Ord. 65 § 1, 1969.]

### **13.25.020 Public hearing by Council.**

The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures

within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least 10 days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At such hearings all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive. [Ord. 65 § 2, 1969.]

**13.25.030 Council may designate underground utility districts by resolution.**

If after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. [Ord. 65 § 3, 1969.]

**13.25.040 Unlawful acts.**

Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in RDMC 13.25.030, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant or property prior to the performance by such owner or occupancy of the underground work necessary for such owner or occupant to continue to receive utility services as provided in RDMC 13.25.090, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter. [Ord. 65 § 4, 1969.]

**13.25.050 Exception, emergency or unusual circumstances.**

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period not to exceed 10 days without authority of the Council in order to provide emergency service. The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. [Ord. 65 § 5, 1969.]

**13.25.060 Other exceptions.**

This chapter and any resolution adopted pursuant to RDMC 13.25.030 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

(1) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Manager or designee.

(2) Poles or electroliers used exclusively for street lighting.

(3) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.

(4) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.

(5) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building as to an adjacent building without crossing any public street.

(6) Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services.

(7) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts.

(8) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. [Ord. 65 § 6, 1969.]

**13.25.070 Notice to property owners and utility companies.**

Within 10 days after the effective date of a resolution adopted pursuant to RDMC 13.25.030, the City Clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. Said City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to RDMC 13.25.030, together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. [Ord. 65 § 7, 1969.]

**13.25.080 Responsibility of utility companies.**

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to RDMC 13.25.030, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations, and tariffs on file with the Commission. [Ord. 65 § 8, 1969.]

**13.25.090 Responsibility of property owners.**

(1) Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion to the service connection on his property between the facilities referred to in RDMC 13.25.080 and the termination facility on or within said building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to RDMC 13.25.030, the City Manager or designee shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within 10 days after the receipt of such notice.

(2) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll and, when no address appears, to General Delivery, City of Rio Dell. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the City Manager or designee shall, within 48 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by 10 inches in size, to be posted in a conspicuous place on said premises.

(3) The notice given by the City Manager or designee to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within 30 days after receipt of such notice, the City Manager or designee will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

(4) If upon the expiration of the 30-day period the said required underground facilities have not been provided, the City Manager or designee shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Manager or designee shall in lieu of providing the required underground facilities have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the City Manager or designee, he shall file a written report with the City Council setting forth the fact that the required underground

facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than 10 days thereafter.

(5) The City Manager or designee shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protest against such assessment. Such notice shall also set forth the amount of the proposed assessment.

(6) Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(7) If any assessment is not paid within five days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the City Manager or designee, and the City Manager or designee is directed to turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum. [Ord. 65 § 9, 1969.]

#### **13.25.100 Responsibility of City.**

The City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to RDMC 13.25.030. [Ord. 65 § 10, 1969.]

#### **13.25.110 Extension of time.**

In the event that any act required by this chapter or by a resolution adopted pursuant to RDMC 13.25.030 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. [Ord. 65 § 11, 1969.]

#### **13.25.120 Penalty.**

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding six months in the County Jail, or by both

such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefore as provided for in this chapter. [Ord. 65 § 12, 1969.]

## **Chapter 15.05 CONSTRUCTION CODES**

### **Sections:**

- 15.05.010 Administration.
- 15.05.020 Building codes.
- 15.05.030 Fees for permits and inspections.
- 15.05.040 Person may do own work.
- 15.05.050 Penalty.

### **15.05.010 Administration.**

(1) The position of Building Official in and for the City of Rio Dell is hereby created. Said Building Official shall report to the City Manager or his or her representative.

(2) It shall be the duty of the Building Official to administer and enforce the provisions of this chapter and all ordinances of the City and statutes of the State of California relating to the erection, construction, enlargement, alteration, repair, moving, removal, demotion, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement, and maintenance of all buildings and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs; and solar systems in the City of Rio Dell.

(3) Nothing in this chapter shall be construed as prohibiting the City from contracting with qualified persons, firms, or agencies for building plan review and/or inspection services. [Ord. 262 § 15.01.010, 2009.]

### **15.05.020 Building codes.**

(1) The City of Rio Dell hereby incorporates by reference and adopts as its building standards and regulations applicable to all occupancies in the City of Rio Dell each and all of the terms, conditions, regulations, penalties, and provisions of the following codes as from time to time adopted, amended, added, and deleted by regulation of the California State Building Standards Commission:

- (a) California Building Standards Administrative Code;
- (b) California Building Code;
- (c) California Electrical Code;
- (d) California Mechanical Code;
- (e) California Plumbing Code;

- (f) California Energy Code;
- (g) California Elevator Safety Construction Code;
- (h) California Historical Building Code;
- (i) California Fire Code;
- (j) California Green Building Standards Code (CalGreen Code).

(2) The above-mentioned codes, new additions, and amendments thereto shall become effective and operative within the City of Rio Dell 30 days after the date of first publication of the State Building Standards Code by the State Building Standards Commission in the California Code of Regulations, the California Regulatory Notice Register or the California Regulatory Code Supplement.

(3) The above-mentioned codes, new additions, and amendments thereto shall be and hereby are adopted as the Construction Code of the City of Rio Dell for regulating and providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement, and maintenance of all buildings and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs; and solar systems in the City of Rio Dell and providing for the issuance of permits and the collection of fees therefore.

(4) Nothing contained herein shall be construed as prohibiting or limiting the authority of the City of Rio Dell from adopting or establishing more restrictive building standards than provided for in the above-mentioned codes and amendments thereto after making the findings required by Government Code Section 17958.7.

(5) The City shall maintain one current copy of all building standards codes on file. [Ord. 262 § 15.020.020, 2009.]

#### **15.05.030 Fees for permits and inspections.**

(1) Any person required to obtain a permit hereunder shall at the time of filing an application therefore pay to the City Clerk a deposit for plan review in the amount as set forth in the California Administrative Code referred to in RDMC 15.05.020. Notwithstanding any other provision of these regulations to the contrary, the City shall collect upon the issuance of any permit the actual cost of the plan review services rendered or the plan review fee as set forth in the California Administrative Code, whichever is greater.

(2) Where work is commenced prior to obtaining a permit, a double fee shall be charged.

(3) For the purpose of determining valuation of any work to be performed hereunder, the City may use the Valuation Data Table published by the International Code Council. The above-mentioned table, new editions, and amendments thereto shall become effective and operative within the City of Rio Dell 30

days after the date of first publication. The City may choose to modify the data published as determined by regional conditions, but will not exceed the costs as published. [Ord. 262 § 15.01.030, 2009.]

**15.05.040 Person may do own work.**

Nothing in this chapter shall be construed as prohibiting any person from doing his own work or employing any person to work on a building or structure to which the provisions of this chapter apply unless otherwise prohibited by law. [Ord. 262 § 15.01.040, 2009.]

**15.05.050 Penalty.**

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any part of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500.00. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter, or any part hereof, is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided. [Ord. 262 § 15.01.050, 2009.]